

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
JULY 22, 2010  
REGULAR MEETING  
MINUTES**

**PRESENT:** R. Hart; B. Fiala; C. Cox, G. Merhar; B. Irvine,  
Chairman  
**ABSENT:** No One  
**OTHERS:** Mike Lucas, Ass't. Law Director; Jim Sayles, City Engr.;  
Richard Smith, Chief Bdg. & Zoning Inspec.; Betty A.  
Nardelli, Secretary

**Chairman Robert Irvine called the regular meeting to order at 7:17 p.m.**

**MINUTES**

**July 8, 2010**

The minutes of July 8, 2010 were approved as written.

**OLD BUSINESS**

A motion was made by Jerry Merhar and seconded by Rick Hart to remove all tabled items from the table for discussion.

ROLL CALL: Yeas: R. Hart; B. Fiala; G. Merhar; C. Cox;  
B. Irvine  
Nays: None

Motion **CARRIED** **APPROVED TO UNTABLE ALL TABLED ITEMS**

<b>Patricia Conti, ESQ.</b>	4803 E. 345 <sup>th</sup> St.	<b>Text Amend. -</b> C.O. 1103(b)((72) <b>Add "restaurants" and</b> <b>"bar" to list of uses</b> <b>for "indoor recreation"</b> <b>facility in the defin.</b> <b>Section of the Code</b>
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There was no representative present this evening. Ms. Conti informed the Secretary per telephone that she no longer represents the investment group that wants to have an indoor recreation facility at E. 345<sup>th</sup> St. or Beidler Rd. No one from the investment group has contacted the secretary of their intentions. Mike Lucas advised the Planning Commission to permanently table this text amendment.

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A motion was made by Rick Hart and seconded by Jerry Merhar to permanently table this text amendment.

ROLL CALL: Yeas: R. Hart; B. Fiala; G. Merhar; C. Cox;  
B. Irvine  
Nays: None

Motion **CARRIED** **PERMANENTLY TABLED**

**Patricia Conti, ESQ.** 4650 Beidler Rd. **CUP**  
**I/D recreation w/**  
Spa, retail, offices  
Related to health &  
Fitness includ'g therapy  
Or rehab. Services.  
L-I dist.

There was no representative present this evening.

A motion was made by Chuck Cox and seconded by Bob Fiala to permanently table this conditional use permit due to the lack of a representative.

ROLL CALL: Yeas: R. Hart; B. Fiala; G. Merhar; C. Cox;  
B. Irvine  
Nays: None

Motion **CARRIED** **PERMANENTLY TABLED**

**NEW BUSINESS**

**STONEWALL PUB** 14 Public Sq. **CUP - rest/bar**  
(Seamus Coyne) Sls/serv. alcohol  
Bev. on premises  
consump.  
D-B dist.

McPat Coyne, Robert Jackson and Nick Ovsenik of C.O.J Inc. represented this conditional use permit application. Mr. Coyne said that this will be a family restaurant that serves food representing 60% of the business. They will have table service, take out and delivery.

The hours of operation will be 11:00 a.m. until 2:30 a.m. Monday thru Saturday; 12:00 noon until 2:30 a.m. on Sunday. Mr. Coyne said

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that they will have a D5 license which they are in the process of acquiring. A D5 license does not allow hard liquor to be sold on Sunday, just beer and wine.

Mr. Coyne said that there is an existing patio in front of the building with a wrought iron fence in response to Chairman Irvine's question. When the final construction plans are submitted the patio will be shown on the site plan.

There will not be any outside speakers or outside music on the patio. There will be a juke box inside the building but no live music. The doors will be closed when playing the jukebox inside.

Mr. Jackson said that the kitchen is on the second floor. Food will be carried downstairs using the stairway in response to Chuck Cox's question. The building has a 100 person capacity. The patio holds another 40 persons. The restaurant is on the first and second floors. Chairman Irvine wanted to know the seating arrangement because the floor plans don't show seating. It only shows lounge. Mr. Jackson said that the basement has 10 to 12 seats and a 12 foot bar. The main floor has 14 to 16 seats and a large bar. The third floor has small tables and chairs. The total area is 632 sq. ft.

Mr. Jackson said that they will have valet parking in response to Jerry Merhar's question.

Mr. Smith said that the City code does not cover the distance of a bar from a church in response to Mr. Merhar's question.

Mr. Merhar advised the applicants that they should have a concept in place for handling thrash and garbage before he votes on the application. Mr. Marsh said that they are working on it.

Robert Fiala wants it to be clear on how the patio is run and that the thrash is addressed.

Richard Smith advised the applicants that a man hole needs to be installed on the property. The applicants should check with the Service Director regarding this.

Chuck Cox wants to see a plan for the patio in relation to other buildings.

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Mr. Merhar said that the distance of the restaurant from the United Methodist Church, live entertainment and garbage are issues. Cathy Webber said that parking is not an issue with the Church in response to Chairman Irvine.

A motion was made by Rick Hart and seconded by Chuck Cox to table this conditional use permit.

ROLL CALL: Yeas: R. Hart; B. Fiala; G. Merhar; C. Cox;  
B. Irvine  
Nays: None

Motion **CARRIED** **TABLED**

**KIRTLAND TUDOR  
ESTATES**  
(joe Znidarsic)

Kirtland Rd.

**Text Amend - MF envel. lot  
devel. in R-MF dist.**  
1. C.O.1103(b)(85)  
**Add - (d)"envelope Lot"**  
2. C.O. 1109.04(a)  
**Add - (4) adding env. lot  
devel. to exist. aprv'd grp  
devel.**  
3. C.O. 1135.04(b)  
**Revise - 1<sup>st</sup> sent. for 1-fam  
& 2-fam on indiv sub. Div.  
lots to comply w/R-50 dist.  
regs. set in C.O.1131**  
4. C.O. 1135.04  
**Add - (i), (i), (ii), (iii),  
(iv), (v), (vi), (vii) &  
(viii)**  
5. C.O. 1135.09  
**Add - "reqs. dev. plan  
apr'v'l of prev. aprv'd dev.  
when env. lots proposed"**  
6. C.O. 1161.07(a)  
**Amend - pkg sp req'd when  
loca. on same lot as dwell.  
Unit for envel. Lot  
RMF-LR dist.**

Joe Znidarsic, Attorney, represented Mark Frantz and Kevin Callahan, development owners, who were also present this evening. Chuck Szucs, engineer, was also present. Mr. Znidarsic said that presently, Tudor Estates is a condo owned development and the owners want to change the development into fee simple envelope lots

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because of the current market, condos are not selling. Fee simple envelope lots are not in the Willoughby code therefore they want to have a text amendment to include it in C.O. 1135 which is the Multi-Family code. Mr. Znidarsic said that fee simple envelope lots will enhance the marketing of the property. They can only do this if the development is RMF-LR and has a private road. If the development had a dedicated road than the development would have to be R-50.

Mr. Znidarsic said that this concept is in South Russell, Bainbridge Township, Willoughby Hills and the west side in response to Chuck Cox's question.

Chuck Cox said that the City has not been receptive to changing the code to accommodate a developer.

Mr. Merhar said that the other issue is stacked units. The units are not sitting on individual lots. The units are sitting in your space. Mr. Znidarsic said that the unit is not entirely in the air. The unit has a garage, a private are and walkway.

Rick Hart stated that he's afraid that Planning Commission would be setting a precedent if they approved this text change.

Mr. Merhar said that they have to look at what other land in Willoughby will be impacted by this text change.

Chuck Cox said they need to be cautious because they approved things in the past that have come back to haunt them.

Chairman Irvine advised Mr. Znidarsic that the development owners knew what the zoning was when the property was purchased. Now, because the original marketing plan is not working they want to change the code.

Jim Sayles said that the language in the draft needs to be edited for the first sentence in the second paragraph on page 3 and the last sentence in paragraph 2 on page 3.

Chairman Irvine said that the proposal is a good idea the way it was presented but he wants to research it. Chairman Irvine said that he wants to contact our consultant to look into this.

Mr. Znidarsic's response was that Planning Commission take their

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time to research whatever needs to be researched. Meantime he will update the draft for the corrections posed this evening.

A motion was made by Jerry Merhar and seconded by Rick Hart to table this text amendment.

ROLL CALL:       Yeas:       R. Hart; B. Fiala; G. Merhar; C. Cox;  
  B. Irvine  
                  Nays:       None  
Motion **CARRIED**           **TABLED**

There being no further business the regular meeting closed at 8:35 p.m.

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Robert Irvine, Chairman

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Betty A. Nardelli, Secretary